

GUDE LANDFILL REMEDIATION

GLCC/DEP MEETING NO. 18

DATE: July 19, 2011
TIME: 7:30 PM to 9:00 PM
LOCATION: Montgomery County Transfer Station

ATTENDANCE:

<u>Name</u>	<u>Organization</u>	<u>Designation</u>
Laszlo Harsanyi	Gude Landfill Concerned Citizens (GLCC)	Member
Dave Peterson	Gude Landfill Concerned Citizens (GLCC)	Member
Julia Tillery	Gude Landfill Concerned Citizens (GLCC)	Member
Keith Ligon	Gude Landfill Concerned Citizens (GLCC)	Member
Steve Lezinski	Montgomery County Dept. of Env. Protection (DEP)	Engineer III
John Kumm	EA Engineering, Science, and Technology, Inc	DEP Consultant

The Meeting Agenda is included as Attachment 1.
Contact information for attendees is included as Attachment 2.
Chronology of Closed Action and Follow-up Items is included as Attachment 3
Other Attachments are referenced within the text.

MINUTES:

- 1) Steve Lezinski of DEP thanked the Home Owner Association (HOA) Presidents of the Derwood Station Residential Community for their assistance with distributing the following Landfill-related information: the quarterly newsletter, the public notice letter for the installation of new groundwater monitoring wells and a public notice letter for the land exchange between the County and the Maryland-National Capital Park and Planning Commission (M-NCPPC).
- 2) Steve Lezinski noted that Keith Ligon of GLCC approved the minutes from GLCC/DEP Meeting No. 17 via e-mail on June 4th.
- 3) Steve Lezinski recapped the site visit to the Cecil County Central Landfill to tour on-site waste excavation and relocation activities. Attendees included: Julia Tillery and Dave Peterson of GLCC and Steve Lezinski, Peter Karasik, Dan Locke and Bob Hoyt from DEP. Steve provided four pictures of the waste excavation and relocation activities (included as Attachment 4).
 - a) Dave Peterson commented that there was very little odor coming from the area of waste excavation. Dave also commented on the challenge of recovering and separately disposing of tires that were previously landfilled.
 - b) Steve Lezinski commented that Cecil County had shared their waste relocation plan with DEP so that if DEP decides to excavate and relocate waste they will have a base document to initiate the planning process.

- c) Laszlo Harsanyi of GLCC asked about the logistics to move waste at the Landfill. Steve Lezinski commented that a certain amount of waste could be taken to the County Processing Facility and Transfer Station, which then would be managed at the County Resource Recovery Facility. Steve mentioned that there are also other solid waste management and disposal facilities in the Maryland region with available capacity depending on the rate of waste removal.
 - d) Julia Tillery commented favorably on the site visit, stating that odors were minimal and that no significant problems with the waste excavation and relocation operation were observed.
 - e) Steve Lezinski explained that Cecil County is only excavating and relocating the waste – there is no source separation occurring. Steve mentioned that at the Gude Landfill, it might make more sense to screen excavated waste to recover usable soil or other materials such as recyclable commodities. Steve also noted that the duration of any waste excavation and relocation activity would depend on many factors.
- 4) Steve Lezinski summarized the status of the Nature and Extent Study (NES) Amendment No. 1.
- a) MDE approval of the NES Amendment No. 1 work plan was received on 5/11/11.
 - b) The NES Amendment No. 1 completion deadline is 11/21/11.
 - c) DEP and EA field reviewed temporary monitoring well locations with M-NCPPC and WSSC.
 - d) Land access agreements are nearly complete.
 - e) Because of land access challenges, the geo-probe (direct push) equipment will not be used for installing the temporary groundwater monitoring locations. Hand augering will be used at these locations to a depth of ten (10) to twelve (12) feet below ground surface.
 - f) Keith Ligon asked about the timing of drilling in the Community and Steve advised that it will probably be the first week of August.
- 5) Steve Lezinski summarized the status of the land reuse decision process. DEP is preparing an internal memorandum for County Executive approval to work directly with stakeholders concerning land reuse decisions. Bob Hoyt is currently reviewing the proposed approach.
- 6) Steve Lezinski discussed the requested involvement of University of Maryland graduate students in potential remediation at the Landfill. As an academic exercise for Environmental Management graduate students, they would review and research environmental contamination issues and remediation alternatives for the Landfill. Keith Ligon commented that land reuse should be included in the analyses. Steve Lezinski stated that land reuse could be incorporated into the student analyses.
- 7) Steve Lezinski provided an update on the Community Communication Plan and Milestone Status, and provided a copy of Gude Landfill – Remediation and Reuse Schedule (included as Attachment 5).
- a) Steve reviewed the M-NCPPC land exchange process. Keith Ligon stated that GLCC had no issues with it. Julia Tillery stated that she might attend the public meeting on July 27th. Laszlo Harsanyi asked about the process and Steve reviewed the steps for obtaining final

- approval.
- b) Keith Ligon asked about the next Community public meeting. Steve stated that early in 2012 would be a time at which the final results of the NES and a forecast of the Assessment of Corrective Measures (ACM) could be presented.
- 8) Steve Lezinski requested that GLCC provide further commentary on the GLCC/MDE meeting that was held in April 2011. GLCC's letter to MDE dated April 10, 2011 and MDE's letter to GLCC dated June 14, 2011 are provided under Attachment 6.
- a) Keith Ligon stated that GLCC's top level concern is the Landfill's impact on the Community, particularly property values. MDE's response was that their focus was on the environment and public health. Issues such as potential impacts to property values or even land reuse should be dealt directly with the County. GLCC concluded that addressing impacts to property values should be within the working process with the County.
 - Steve Lezinski added that in previous GLCC/DEP meeting discussions, guidance was relayed from the DEP County Attorney that potential impacts to property values would have to be assessed by an Attorney working for individual residents not from the Office of the County Attorney.
 - b) Keith Ligon said that MDE was not settled on a particular corrective action for the Landfill. They stated that capping was typical, but as their above referenced letter indicated they anticipate a multiple action approach. Keith stated that the decision process was discussed and that MDE indicated that a Consent Order would specify the investigation and implemental processes for corrective actions.
 - Steve Lezinski stated that DEP is reviewing a Draft Consent Order provided by MDE. Keith Ligon asked about the timing. Steve indicated that the best scenario would be to have the Consent Order finalized by the time the NES is finalized and the ACM is initiated. Keith stated that GLCC would prefer to have the land reuse plans included in the Consent Order. Steve and John Kumm of EA stated that land reuse is not a typical item that is included in a Consent Order as they primarily focus on the environment and public health.
 - c) Keith Ligon referenced a Harford County agreement that compensated residents for the impacts from the Scarborough Landfill.
 - d) John Kumm commented that MDE's purview and jurisdiction are confined to the environment and public health as summarized by the three (3) pre-established remediation goals.
 - e) Julia Tillery stated that her understanding from MDE was that they would be open to memorializing the land reuse objectives in a Consent Order.
 - f) Keith Ligon asked about the County's objectives for land reuse. Steve Lezinski discussed hypothetical scenarios that involved a land reuse split of interest/benefit between the Community, DEP and other County Departments. Keith Ligon requested a copy of the decision memo regarding land reuse. Steve Lezinski stated he would share the findings of the decision memo once final agreement by upper-level County management has been obtained.
 - g) Julia Tillery requested that "yard trim" be called wood waste processing. Steve Lezinski clarified that it would be "natural wood waste processing". Keith Ligon stated that GLCC expressed concern to MDE about the "yard trim" operations. MDE advised them that the

- County is permitted to conduct emergency storm debris and leaf management operations on the site. MDE did clarify that expansion of the yard trim operations would require that the landfill is meeting all environmental restrictions including no MCL exceedances beyond property line.
- h) Keith Ligon stated that GLCC was open to different remediation approaches but that they were skeptical about the ability of bioremediation to manage this site.
 - i) Keith Ligon commented that during the meeting between MDE/GLCC that MDE indicated that trees cannot be planted on top of a landfill without a substantial amount of cover soil. Steve Lezinski commented that this could potentially be feasible along the perimeter of the site, which would enable a tree screen around the property border.
 - j) MDE referenced Loyola College on Television Hill in Baltimore as an example of a successful remediation and reuse project.
- 9) Keith Ligon asked about the process of conducting the ACM in parallel with the Assessment of Land Reuse. Steve Lezinski and John Kumm explained that the ACM process will be similar to the development of the Remediation Feasibility Memorandum, but in greater detail. Land reuse is not part of that process, but since land reuse options will be influenced by the ACM process they need to be considered on somewhat of parallel tracks.
- 10) Steve Lezinski summarized the current landfill operations.
- a) The April 2011 semi-annual groundwater and surface water monitoring results are similar in nature to the historical and NES data for the Landfill site. DEP will post the Semi-Annual Groundwater and Surface Water Monitoring Report on the Remediation webpage.
 - b) Weekly monitoring of landfill gas by DEP is on-going. Mid-May monitoring indicated intermittent methane exceedances in well W-05. That monitoring well is currently in compliance. Current quarterly monitoring is complete and indicated no exceedances. DEP will post the Quarterly Landfill Gas Monitoring Report on the Remediation webpage.
 - c) The DSWS Landfill Maintenance Contractor continues to perform access road maintenance and tree removal near existing landfill gas pipes and near future landfill gas infrastructure locations.
 - d) DEP is planning to update the Remediation website in the next couple of months. Steve requested suggestions for increasing the site's utility. GLCC advised that they will forward any pertinent suggestions.
- 11) The next DEP/GLCC meeting will be scheduled for Tuesday August 16th.

Recently Closed Action and Follow-up Items

- 17-2 DEP will add a timeline/milestone review section to future meeting agendas.
Status: Closed. DEP added this item as a standard topic for future agendas.
- 17-3 DEP will create a quarterly newsletter to orient the larger Community and other adjacent property stakeholders on the Landfill. The newsletter will contain an update on the Nature and Extent Study activities that have occurred in the past three months. The newsletter will be provided to GLCC to include in an upcoming HOA newsletter.

Status: Open. DEP provided the Quarterly Newsletter to GLCC and the Derwood Station HOA's on June 30, 2011.

Open Action and Follow-up Items

- 16-2 DEP and EA will further evaluate end use options and present these to GLCC in a future monthly meeting.

Status: Open.

- 17-1 DEP will contact senior County representatives and stakeholders regarding their attendance at a future GLCC/DEP monthly meeting to discuss the County's decision making process for Landfill site reuse, potential County site reuse options and the integration and consideration of the Community's reuse options.

Status: Open.

New Action and Follow-up Items

- 18-1 Once the Landfill land reuse discussion is documented and agreed upon in a decision memo with the County Executive and/or other stakeholders, DEP will share the final findings of the agreed upon process with GLCC.

Status: Open

The above summation is the writer's interpretation of the items discussed at the meeting. Comments involving differences in understanding of any of the meeting items will be received for a period of thirty (30) days from the date of these meeting minutes. Clarifications will be made, as deemed necessary. If no comments are received within the specified time period, the minutes will remain as written.

ATTACHMENT 1



**Gude Landfill Remediation
Gude Landfill Concerned Citizens
Monthly Meeting No. 18**

Meeting Agenda

- 1. GLCC/DEP Meeting Minutes (Meeting No. 17)**
 - a. Approved via K. Ligon email 6/4/11.
- 2. GLCC/DEP Site Visit to Cecil County (6/21/11)**
 - a. Waste excavation and relocation within the Landfill.
 - b. GLCC site observations from attendees.
- 3. Nature and Extent Study (NES) – Amendment No.1 Status Update**
 - a. Received formal MDE approval of NES Amend. No.1 work plan dated 5/11/11.
 - NES Amend. No.1 completion deadline of 11/21/11.
 - b. DEP and EA field reviewed temporary groundwater monitoring well locations.
 - c. DEP and EA nearly complete with Land Access Agreements.
- 4. Land Reuse Decision Process Status Update**
 - a. DEP is preparing an internal memorandum for County Executive approval to work directly with stakeholders (Community, MDE, etc.) regarding land reuse decisions.
- 5. Academic Exercise by Graduate Students of the University of Maryland**
 - a. Academic exercise for Environmental Management Students to review and research environmental contamination issues and remediation alternatives.
 - b. GLCC concerns or recommendations from meeting attendees.
- 6. Community Communication Plan and Milestone Status Update**
 - a. MDE approval of NES Amend. No.1 work plan dated 5/11/11.
 - b. NES Amend. No. 1 completion deadline of 11/21/11.
 - c. Gude Landfill Quarterly Newsletter dated 6/30/11.
 - d. Gude Landfill Groundwater Well Public Notice Letter dated 6/30/11.
 - e. Gude Landfill Exchange of Land with M-NCPPC:
 - Newspaper Advertisement Notices in Gazette Rockville and Gaithersburg Editions – July 13-19; July 20-26; July 27-August 2.
 - Public Meeting on July 27 at the EOB 1st Fl. 7:00-9:00 PM in Rockville, MD.
 - Written Public Comment deadline of August 23.
 - f. Review Next Steps in the Remediation Effort Schedule.
 - g. DEP will update the Community Milestone Schedule and email to GLCC.
- 7. GLCC/MDE Meeting (4/18/11)**
 - a. GLCC to provide further commentary.

**Gude Landfill Remediation
Gude Landfill Concerned Citizens
Monthly Meeting No. 18**

Meeting Agenda

8. Current Gude Landfill Operations

- a. Monitoring
 - Groundwater & Surface water – Semi-Annual monitoring is complete.
 - ❖ Results are similar to historical and NES data.
 - ❖ DEP will post Semi-Annual Report to Remediation webpage.
 - Landfill Gas – Weekly monitoring is on-going; Quarterly monitoring is complete.
 - ❖ Weekly monitoring during mid-May indicated intermittent exceedences in monitoring well W-05, which is currently in compliance.
 - ❖ Quarterly monitoring indicated no methane exceedences.
 - ❖ DEP will post Quarterly Report to Remediation webpage.
- b. Post-Closure Care
 - Site Maintenance – DSWs Landfill Maintenance Contractor continues to perform access road maintenance and tree removal along existing landfill gas pipes and future locations of gas collection infrastructure.
- c. Landfill and Remediation Webpage(s)
 - DEP is working towards a comprehensive update to the webpage(s).

9. Next Meeting/Action Items

- a. To Close
 - 17-2 – as added to this agenda and future meeting agendas.
 - 17-3 – DEP provided the Quarterly Newsletter to GLCC and HOA's on 6/30/11.
- b. To Leave Open
 - 17-1 – to be discussed internally by DEP and at a future GLCC/DEP monthly meeting.
- c. New Actions Items from Meeting

ATTACHMENT 2



ATTACHMENT 3



Chronology of Closed Action and Follow-up Items
as of
GLCC/DEP Meeting No. 18

- 5-01 DEP and EA to research the existence of a comprehensive database for closed landfill reuse options.
Status: Closed. EA provided a list of landfill reuse resources, which was attached to the minutes for Meeting No. 7.
- 5-02 GLCC to schedule next Derwood Community Meeting; second quarter 2010.
Status: Closed. GLCC noted that the Community will continue to be welcome at the monthly meetings, and these will be included in the DEP letter to the HOAs and the residents. Therefore, GLCC does not plan to schedule another community meeting at this time.
- 5-03 DEP to contact MDE regarding the spring and northwest slope surface water sampling, and leachate seep repairs on northwest slope.
Status: Closed. DEP and MDE met on December 21, 2009 and discussed these issues. The outcome was summarized in Attachment No. 4 of the Meeting No. 7 minutes.
- 5-04 DEP to post the recent aerial survey of the Gude Landfill on the remediation project website.
Status: Closed. The image has been posted on the website.
- 5-05 DEP to evaluate if Biochemical and Chemical Oxygen Demand (BOD/COD) can be included for analysis purposes in surface water samples.
Status: Closed. After further discussion, GLCC agreed that BOD sampling would not be conducted, since it would be difficult to discern whether the results were affected by the landfill. DEP agreed to collect samples for COD analysis. The objectives and plan for COD sampling was agreed to between DEP and GLCC.
- 5-06 DEP to reschedule the dioxin/furan testing of the Gude Landfill gas-to-energy engine.
Status: Closed. The testing was conducted in early March 2010 but the results have not yet been reported.
- 5-07 EA to provide a list of the chemical analytes that were detected in the Gude Landfill groundwater/surface water sampling that are carcinogens.
Status: Closed. EA provided a summary of risk and carcinogenic effects for chemical analytes, which is included as Attachment No. 6 to the Meeting No. 7 minutes.
- 6-01 DEP and EA to create a list of open agenda items (i.e., action and follow-up items).
Status: Closed. This list is included in the meeting minutes and will be carried into subsequent minutes.
- 6-02 DEP and EA to finalize more precise locations of the new monitoring wells. Follow-up work with permitting agencies, utility locators, and adjoining property owners will be conducted.
Status: Closed. Additional location information finalized.

Chronology of Closed Action and Follow-up Items
as of
GLCC/DEP Meeting No. 18

- 6-03 GLCC/DEP/EA to finalize an approach to communicate all aspects of the expanded monitoring well program to the Derwood Community.
Status: Closed. Initial letters to be sent to the HOAs, with follow-up letters to residents in the immediate area of proposed intrusive activities.
- 7-01 DEP to complete interim measures for leachate redirection at seep locations.
Status: Closed. Completed May/June 2010.
- 7-02 DEP to finalize and send letter to HOAs regarding the landfill remediation project and proposed groundwater monitoring well locations within the Community.
Status: Closed. DEP prepared the Community notification letter dated 2-26-10 for distribution to the residents via the HOA presidents.
- 7-03 DEP to obtain dioxin/furan test results for flare and engine.
Status: Closed. Results provided to GLCC June 2010.
- 8-01 EA will provide DEP with a full version of the Draft Study Plan as a PDF for posting on the website and an abbreviated PDF version for distribution to GLCC members.
Status: Closed. Received by County on August 6, 2010. County to post on remediation webpage.
- 8-02 GLCC will distribute the DEP Community Letter in a special edition of each of the three HOA newsletters, both by e-mail and standard mail, by the end of March.
Status: Closed.
- 9-01 DEP and EA will provide a list of milestones and dates to include as a schedule update with minutes from each meeting.
Status: Closed.
- 9-02 DEP and EA will identify special instructions for residents and the driller to be used during the actual well drilling for inclusion in the individual resident notification letters.
Status: Closed. Completed June 2010.
- 10-1 EA will prepare a Maryland Toxic Air Pollutant regulation compliance demonstration for dioxin/furan emissions from the flares and engines at Oaks and Gude.
Status: Closed. DEP will post on the Remediation webpage.
- 10-2 GLCC will meet independently on June 20, 2010 to discuss the process of early integration of end use objectives into the corrective action planning process and will propose a pathway and procedure to DEP at the July 8, 2010 DEP/GLCC meeting.
Status: Closed. During Meeting No. 11, GLCC provided the County guidance on preferred end uses from the Community for the Gude Landfill site.

Chronology of Closed Action and Follow-up Items
as of
GLCC/DEP Meeting No. 18

- 11-1 GLCC requested Bob Hoyt, Director of DEP to attend the next GLCC/DEP monthly meeting on September 15, 2010 to discuss the Request for Expression of Interest (REOI).
Status: Closed.
- 11-2 GLCC inquired if the County had investigated the potential for a Brownfields Grant for the Remediation/Land Reuse project.
Status: Closed. Grant funding options were presented to GLCC on 4/14/11.
- 12-1 Using the risk evaluation methodology, EA will back calculate contaminant concentrations that would represent a human risk concern for vapor intrusion from groundwater into indoor air.
Status: Closed. The calculation was made by EA and included in the analysis and provided to GLCC.
- 13-1 EA will revise the last two sentences in paragraph 5) of the minutes for Meeting No. 12 to clarify the concept.
Status: Closed. Changes are reflected in Meeting No. 12 Minutes.
- 13-2 EA will prepare and submit to DEP for review a summary of the project status including background, status, and the remaining activities to complete the project. The HOA Presidents will distribute this summary to Derwood Station residents.
Status: Closed. The Nature and Extent Study Fact Sheet was e-mailed to GLCC/HOA Presidents by Steve Lezinski on 12/23/10 for distribution to the Derwood Station Residential Community.
- 13-3 EA will research the applicability of 40 CFR Part 258 Subpart E and report back to DEP and GLCC.
Status: Closed. A response was provided via e-mail by Steve Lezinski to GLCC on 11/3/10 – the regulation is not applicable to Gude Landfill.
- 14-1 DEP will address conformance of the current monitoring program to the 2001 County Groundwater Protection Plan.
Status: Closed. It was determined that the Ground Water Protection Strategy is not an active program within DEP.
- 14-2 DEP will contact the County Attorney and the County Real Estate Office concerning potential property value impacts and seller's obligations.
Status: Closed. The Office of the County Attorney cannot provide legal advice to members of the Community. If members of the Community desire advice on property value impacts and seller's obligations, they would have to obtain this legal advice from their own legal counsel.
- 15-1 DEP and EA will establish a list of key project milestones for inclusion in the Project Communications Plan.
Status: Closed. As part of the Project Communications Plan, an updated project schedule and key project milestones were presented to GLCC on 4/14/11.

Chronology of Closed Action and Follow-up Items
as of
GLCC/DEP Meeting No. 18

- 15-2 DEP and EA will determine the current regulation for setbacks at new landfills and report this information to GLCC.
Status: Closed. Applicable setback requirements were determined and presented to GLCC on 4/14/11.
- 15-3 DEP will submit the proposed action plan for further investigation and analysis to satisfy MDE's concerns about the Nature and Extent Study to MDE by March 18, 2011.
Status: Closed. The work plan of Amendment No. 1 to the Nature and Extent Study was submitted to and accepted by MDE in March 2011.
- 16-1 DEP and EA will evaluate the potential corrective measure of excavation and relocation of waste in greater detail, and present this to GLCC at a future monthly meeting.
Status: Closed. DEP and EA presented the potential corrective measure of waste excavation and reclamation during the GLCC/DEP Meeting No. 17.
- 17-2 DEP will add a timeline/milestone review section to future meeting agendas.
Status: Closed. DEP added this item as a standard topic for future agendas.
- 17-3 DEP will create a quarterly newsletter to orient the larger Community and other adjacent property stakeholders on the Landfill. The newsletter will contain an update on the Nature and Extent Study activities that have occurred in the past three months. The newsletter will be provided to GLCC to include in an upcoming HOA newsletter.
Status: Closed. DEP provided the Quarterly Newsletter to GLCC and the Derwood Station HOA's on June 30, 2011.

ATTACHMENT 4





ATTACHMENT 5



Gude Landfill – Remediation and Reuse Schedule

Next Steps in the Remediation Effort

MDE Mandatory Remediation Steps

Next Step	Description	Projected Schedule	Duration	Status
Aerial/Field Survey and Limit of Waste Delineation	Perform a Metes and Bounds Survey of the Landfill Property Boundary and Determine the horizontal extent of waste	May 2009 – Nov. 2010	19 Months	Complete
Nature and Extent Study	Delineate and characterize environmental contamination resulting from the Gude Landfill site (submit to MDE)	Sept. 2009 – Nov. 2011	27 Months	On-Going
Land Swap Disposition	Land Swap (17 acres) with M-NCPPC due to waste encroachment on Park Land from the Gude Landfill site	Apr. 2010 – Mar. 2012	24 Months	On-Going
Assessment of Corrective Measures	Assess and evaluate mechanisms to mitigate environmental contamination resulting from the Gude Landfill (submit to MDE)	Jan. 2012 – Dec. 2012	12 Months	Future
Assessment of Land Reuse(s)	Assess and evaluate suitable land reuse(s) to integrate with the proposed corrective measures	Jan. 2012 – Dec. 2012	12 Months	Future
Corrective Measure Preparation	Prepare the planning, design and permitting documents for the MDE approved corrective measures	Jan. 2013 – Mar. 2014	15 Months	Future
Land Reuse Integration	Integrate the suitable land reuse(s) into the planning, design and permitting documents of the MDE approved corrective measures	Jan. 2013 – Mar. 2014	15 Months	Future
Corrective Measure Construction	Construct the MDE approved corrective measures (To occur in multiple phases of work)	Apr. 2014 – TBD (multiple years)	TBD	Future
Land Reuse Construction	Construct the suitable land reuse(s) with the MDE approved corrective measures (To occur in multiple phases of work)	Apr. 2014 – TBD (multiple years)	TBD	Future

DEP Envisioned Remediation Steps

Next Step	Description	Projected Schedule	Duration	Status
Monthly Meetings with Community	DEP Monthly Meetings with the Gude Landfill Concerned Citizens (GLCC)	Jun. 2009 – TBD (multiple years)	TBD	On-Going
Focus Group Community Meetings and Public Notification Letters	As required per “Next Step” Milestone	Sept. 2009 – TBD (multiple years)	TBD	On-Going
Focus Group Adjacent Landowner Meetings and Notification Letters	As required per “Next Step” Milestone	Apr. 2010 – TBD (multiple years)	TBD	On-Going
Next Step Meetings with MDE	As required per “Next Step” Milestone	Sept. 2009 – TBD (multiple years)	TBD	On-Going
Next Step Regulatory Mandated Public Notification Meetings	As required per “Next Step” Milestone	Sept. 2009 – TBD (multiple years)	TBD	On-Going
Maintain Remediation and Reuse Webpage	As required per “Next Step” Milestone	Jun. 2009 – TBD (multiple years)	TBD	On-Going

ATTACHMENT 6





MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Acting Secretary

Anthony G. Brown
Lieutenant Governor

June 14, 2011

Mr. Keith Ligon, Chairman
Gude Landfill Concerned Citizens
keithligon@verizon.net

Dear Mr. Ligon:

Thank you for your letter to Secretary Summers on behalf of the Gude Landfill Concerned Citizens (GLCC) Committee in which you express the Committee's concerns about the ongoing investigation and selection of a remedy to address groundwater and landfill gas contamination at the landfill. The Secretary received your letter and asked me to respond on his behalf.

As you know, on April 18, 2011, representatives of the Department's Solid Waste Program (MDE) met with you and several other members of the GLCC Committee to discuss the status of Montgomery County's environmental investigation, as well as remedial alternatives for addressing the contamination. My staff advises me that the questions you raise in your letter were discussed at the meeting, hopefully to your satisfaction.

The Department understands the desire of GLCC that the County's chosen remedial action incorporate the best available technology and most appropriate method of control for the site, and that the neighboring communities have a voice in any decision concerning future reuse of the landfill site. As part of the Assessment of Corrective Measures study that the County will soon undertake, the chosen remedial alternative will need to meet the remedial goals specified by MDE and be protective of public health and the environment. A combination of remedial options may be selected by the County as the most effective alternative for this site. The Department encourages GLCC to continue its discussions with the County on possible remedial alternatives for the site and future uses of the site and their impact on neighboring communities.

Thank you again for your e-mail. If you would like further information on the ongoing activities at the site, please contact me or Mr. Edward M. Dexter, Administrator, Solid Waste Program at 410-537-3318 or by e-mail at edexter@mde.state.md.us.

Sincerely,

Horacio Tablada, Director
Land Management Administration

cc: Robert M. Summers, Secretary
Edward Dexter, Administrator, Solid Waste Program



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April 10, 2011

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Attn: Robert M. Summers, Ph.D.
Acting Secretary

Martha Hynson, Chief
Landfill Operations Division

Dear Acting Secretary Dr. Summers and Chief Hynson,

Thank you for your February 10, 2011 response to last December's letter from the Gude Landfill Concerned Citizens committee. We appreciate your offer to meet with representatives of GLCC to discuss remediation of the environmental violations at the Gude Landfill. We look forward to our meeting with MDE on April 18, 2011 at 1 p.m. at your Baltimore City offices.

If there are any changes in schedule or need to communicate prior to the meeting, please contact Keith Ligon, at 571-218-9019 or via email to keithligon@verizon.net.

We anticipate an informal and active exchange. This letter serves to highlight areas of discussion for our upcoming meeting.

As background, the GLCC has been in existence since 2008, and was first established in order to combat Montgomery County's efforts to place a 400 bus parking and maintenance depot on top of the Gude Landfill. The Gude Landfill borders our neighborhoods, and is as close as 300 feet to resident's property lines. GLCC membership includes the three presidents of the nearby homeowner's associations, board members, and community representatives. Dean Dozier, a member of the GLCC, is a former solid and hazardous waste enforcement inspector from a state agency as well as a current environmental manager for a Fortune 100 company.

Following the County's determination to not relocate a bus depot to the landfill, and with Dean's advice and support, GLCC became increasingly aware of the potential impact to the groundwater from the Gude Landfill, a pre-subtitle D landfill. Two years ago, during our contesting of the proposed bus depot, the GLCC asked for lab tests and found the results disturbing. Not only were hazardous constituents present in the wells, but the contaminants along the subdivision were trending upward. As you know, several constituents had exceeded MCLs. Since that time, the GLCC charter has focused on remediation, re-use, defining and mitigating the negative impact to our community.

At first, the County reflected very little concern and repeatedly answered that "no one is drinking the water anyway". This approach appears to remain at the core of the County's position relative to

magnitude of risk at the Gude Landfill. The absence of material health risk and other adverse findings in the NES rests squarely on the determination that nearby residents do not drink water from the wells.

We are concerned that the finding of minimal health risk will result in a lesser commitment to remediation. We are concerned that the findings fail to acknowledge that private property adjacent to the landfill has been contaminated and has been materially and negatively impacted.

- ❖ Does MDE consider the impact to neighboring homeowner's land values and property rights in reaching its determination to approve remediation and reuse approaches?

As a matter of regulatory and legal compliance, the MCL exceedances had never been reported to MDE, and the migration of pollutants has been uncontrolled for a period of over 15 years. The problem has been ignored for too long, the trends are all disturbing, and the County's past performance is weak, at best. In this context, our concerns regarding effective remediation of the landfill are based on a track record of no transparency, a failure to report, a lack of timely mitigation, and a failure to commit required resources. Our concerns about transparency and public involvement were exacerbated by a recent meeting conducted by the County with MDE on February 23, 2011. A member of our GLCC requested to be present at this meeting held between the County and MDE to discuss the NES and potential remediation options. Her request was declined, even when it was clear GLCC did not expect to participate, merely attend. We have raised our concerns about a "seat at the table" with County officials, were advised that certain staff level meetings will not allow for public involvement, but that there are many avenues for community participation and input. We would like to confirm MDE's understanding and commitment to open-ness and transparency, and engagement with stakeholders.

- ❖ Does MDE agree that GLCC is a recognized community advisory group and entitled to participate in such meetings in the spirit of the Open Meetings Act, 40 CFR 25 and MDE policy on community outreach?
- ❖ At what meetings will GLCC and the public be allowed to attend?

An additional area of concern to GLCC is Rock Creek. Because the County has allowed groundwater in the subdivision and on adjacent properties to become contaminated and neglected to report such contamination as required, there is now a clear and present danger to Rock Creek, a state waterway. As is now proven by the Nature and Extent Study, the groundwater adjacent to Gude is very shallow at points; in some wells the depth is only 8 feet BGS. Rock Creek is located down gradient and within 100 yards of the toe of the landfill. Several natural springs exist along the northern border near the park and in close proximity to the landfill. Left unchecked and absent the best available control technology to remediate the migration of toxic leachate, the estimated 400 million gallons of contaminated leachate will at some point begin to have an adverse effect on Rock Creek and the Potomac River into which it flows. While minimal at this moment, sample results have indicated the possibility that some constituents are already being detected in Rock Creek. We are all keenly aware of the contamination reduction efforts along the entire water shed of the Chesapeake Bay. The Gude Landfill contamination and migration is one factor that could soon have additional adverse effects.

- ❖ Does MDE agree that risks to Rock Creek must be addressed? What is MDE's view regarding the County's stated opinion that its water quality standpoint, the volatile organic compounds found in the groundwater and moving towards Rock Creek "will just evaporate," contrary to established science?

The GLCC is concerned about the adequacy and effectiveness of the County's remediation of the landfill. GLCC believes that the only appropriate method of control for this landfill and the best available technology is a full geo-synthetic cap complemented by a bioremediation program. Additional elements are required, to include re-grading and pump and treat solutions especially for the NW boundary, the boundary facing the community, and along the N – NE boundary to constrain the flow of toxic leachate into Rock Creek. We have expressed our concerns to County officials, and received their commitment that the most effective and time efficient solution to achieve MDE's mandated goals will be their primary objective. Still, we are concerned that the County will prefer alternatives that provide a low cost avenue to attempt a stop-gap measure.

- ❖ What remediation approaches are being considered by MDE, and which are considered presently acceptable to the State in this or similar circumstances?
- ❖ Will approved remediation approaches address reuse that will address the disamenity impact to our community and prohibit the commercial development of the landfill?

Last, we would appreciate a discussion of process and timelines from MDE's perspective.

- ❖ What are the next steps?
- ❖ What can our community expect over the near term?
- ❖ Will MDE agree to future meetings with GLCC in advance of any final decisions on remediation and reuse?

We would like to thank you and your staff in advance for the assistance thus far in this overall endeavor. We fully realize the effort it takes to help protect the environment in which we all live. We appreciate the opportunity to meet with you and your staff and your commitment to open and transparent processes, and community engagement and involvement. We appreciate the ongoing monthly meetings we have had with DEP and look forward to a similar active dialogue with MDE.

/S/

Keith Ligon, Chairman

Gude Landfill Concerned Citizens